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June 30, 2000

Sent via e-mail and by either fax, hand delivery or U.S. Mail

Mary L. Cottrell, Secretary

Massachusetts Department of Telecommunications and Energy

One South Station, 2nd Floor

Boston, MA 02110

re: Bell Atlantic's Local Service Provider Freeze, D.T.E. 99-105

Dear Secretary Cottrell:

By this letter, the Attorney General responds to the Motion for Reconsideration ("Motion") filed by AT&T Communications of New England, Inc. ("AT&T") with the Department of Telecommunications and Energy ("Department") on June 20, 2000. In that Motion, AT&T requests that the Department reconsider its findings in its May 31, 2000 order ("Order") rejecting a position advanced by AT&T in favor of requiring the use of a third party administrator ("TPA") to manage the process by which consumers change their preferred provider of local telephone service. In support of the Motion, AT&T asserts that information "which directly undermines the Department's finding" will be discussed during the course of future conference which "will no doubt provide the Department with a basis for creating a TPA to resolve globally the issues ... involving ... carrier freezes." Motion at 2.

The Attorney General submits that the Department should reject the Motion without any further proceeding. The Department ruled in its final order that the record did not include sufficient detail on the mechanisms or funding of the system to support the use of a TPA, and "even if the record were more developed on this point, we are not convinced that a TPA is necessary or appropriate." Order at 17. Moreover, while characterized as "evidence" by AT&T (Motion at 2), the new information upon which AT&T bases its Motion clearly is nothing more than its own expectations regarding the content of informal discussions to be held during a carrier-only workshop on July 14, 2000, thirteen weeks after the close of the evidentiary hearings in this docket. The fact that AT&T believes that some persons may make statements in the future that are inconsistent with findings the Department made in an earlier decision hardly satisfies the standard of extraordinary circumstances that dictate that the Department take a fresh look at the record for the express purpose of

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substantively modifying a decision reached after review and deliberation. (1) AT&T does not claim that a mistake has been made or evidence overlooked. Rather, the Motion is predicated on the Department accepting as "previously unknown or undisclosed facts" (see Commonwealth Electric Company, D.P.U. 92-3C-1A at 3-6 [1995]), AT&T's expectations or predictions of statements that may be made by some speaker(s) during the course of some future informal conference.

For all the foregoing reasons, the Attorney General urges the Department to deny AT&T's Motion for Reconsideration.

Sincerely,

Karl en J. Reed
Assistant Attorney General
Regulated Industries Division

KJR/kr

Enc.

cc: Paul a Foley, Hearing Officer (2 copies)

Mike Isenberg, Director, Telecommunications Division

Jani ce McCoy, Senior Analyst, Telecommunications Division

Service List for D.T.E. 99-105

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Investigation by the Department of Telecommunications and)

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Energy, on its own motion, as to the propriety of the)
Local Service Provider Freeze terms and conditions set forth)
in the following tariff: M.D.T.E. No. 10, Part A, Section 5,) D.T.E. 99-105
Original of Page 1.1, filed with the Department on)
November 1, 1999, by New England Telephone and Telegraph)
Company d/b/a Bell Atlantic-Massachusetts)

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding by e-mail and by either hand-delivery, mail, or fax.

Dated at Boston this 30th day of June 2000.

Karlen J. Reed
Assistant Attorney General
Regulated Industries Division
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1. Complaint of Global NAPs, Inc., D.T.E. 99-39 at 2 (2000); North Attleboro Gas Company, D.P.U. 94-130-B at 2 (1995); Boston Edison Company, D.P.U. 90-270-A at 203 (1991); Western Massachusetts Electric Company, D.P.U. 558-A at 2 (1987).